

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROGER BEECHAM,

Petitioner,

-against-

BRUCE YELLCH, Superintendent,

Respondent.

ORDER ADOPTING REPORT
AND RECOMMENDATION

12-CV-7209

Seibel, J.

Before the Court is the Report and Recommendation of Magistrate Judge Paul E. Davison dated April 11, 2014 ("the R&R"). (Doc. 17.) No objections to the R&R have been filed. Accordingly, I have reviewed it for clear error, and find no error, clear or otherwise. The R&R is therefore hereby adopted as the decision of the Court, and the Petition is denied. The Clerk of Court is respectfully directed to close the case. Because reasonable jurists would not find it debatable that Petitioner has failed to make a substantial showing that he was denied a constitutional right, and that Petitioner's *Miranda* claim is procedurally barred, no certificate of appealability will issue. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

SO ORDERED.

Dated: April 30, 2014
White Plains, New York



CATHY SEIBEL, U.S.D.J.